

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALLEN HORTON II,

Plaintiffs,

v.

WILLIAMS GITTERE, *et al.*,

Defendants.

Case No. 3:21-CV-00280-CLB

**ORDER GRANTING PLAINTIFF'S
MOTION TO EXTEND TIME IN PART
AND DENYING PLAINTIFF'S MOTION
FOR APPOINTMENT OF COUNSEL**

[ECF Nos. 63, 64]

Currently pending before the Court are Plaintiff's motions to extend time to file an opposition to Defendants' motion for summary judgment, (ECF No. 63), and appointment of counsel. (ECF No. 63.) For the reasons stated below, the Court grants Plaintiff's motion to extend time, in part, and denies his motion for appointment of counsel.

I. MOTION TO EXTEND TIME

On November 1, 2023, Plaintiff filed a motion to extend time to an opposition to Defendants' motion for summary judgment. (ECF No. 63.) The opposition is currently due on November 13, 2023. (See ECF No. 62.) Plaintiff requests an additional 30 days to file his opposition. (ECF No. 63.)

Defendants' motion for summary judgment was filed on August 23, 2023, and Plaintiff's opposition was initially due on September 13, 2023. (ECF No. 50.) Two days before this due date, Plaintiff filed a motion to stay these proceedings for 180 days asserting that he had been unable to review his medical files. (ECF No. 57.) The Court granted this motion, in part. (ECF No. 58.) Specifically, the Court stayed the case for 45 days and ordered that Plaintiff file his opposition to the motion for summary judgment at the end of the stay. (*Id.*) Based on this order, Plaintiff's opposition was due on October 30, 2023. (*Id.*) In total, this Court granted Plaintiff 68 days to oppose Defendants' motion for summary judgment.¹

¹ Oppositions to motions for summary judgment are ordinarily due within 21 days. See LR 7-2(2).

1 Plaintiff, however, failed to file an opposition on October 30, 2023. The following
2 day, the Court *sua sponte* granted Plaintiff an additional 14 days to file his opposition,
3 setting the new due date as November 13, 2023. (ECF No. 62.) In this order, the Court
4 expressly stated that “no further extensions of time” would be granted to file this
5 opposition. (*Id.*)

6 One day later, the Court received Plaintiff’s motion for an extension of time. (ECF
7 No. 63.) This motion is dated October 25, 2023. (*Id.* at 1.) In the motion, Plaintiff requests
8 an additional 30 days to file his opposition from the current deadline of October 30, 2023,
9 plus additional 7 days to serve Defendants. (*Id.* at 3.) It appears that this motion was sent
10 prior to Plaintiff’s receipt of the Court’s *sua sponte* order, which already extended the
11 deadline by 14 days. As such, Plaintiff’s motion for extension of time, (ECF No. 63), is
12 granted, in part, for an additional 14 days from the current deadline set by the Court.
13 However, the Court emphasizes **no further extensions of time will be granted to file**
14 **this opposition** and any additional requests for an extension of this deadline will be
15 summarily denied.

16 II. MOTION FOR APPOINTMENT OF COUNSEL

17 The Court now turns to Plaintiff’s motion for appointment of counsel. (ECF No. 64.)
18 This Court has denied Plaintiff’s motions for appointment of counsel on two prior
19 occasions. (ECF Nos. 21, 40.) Plaintiff’s current motion does not provide any basis for
20 reconsideration of these prior orders and fails to establish extraordinary circumstances
21 support the appointment of counsel at this time. Therefore, Plaintiff’s motion for
22 appointment of counsel, (ECF No. 63), is denied.

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1 Accordingly, **IT IS ORDERED** that Plaintiff's motion to extend time to file an opposition
2 to Defendants' motion for summary judgment, (ECF No. 63), is **GRANTED, in part.**
3 Plaintiff's opposition must be filed on or before **Wednesday, November 29, 2023. NO**
4 **FURTHER EXTENSIONS WILL BE GRANTED.**

5 **IT IS FURTHER ORDERED** that Plaintiff's motion for appointment of counsel, (ECF
6 No. 64), is **DENIED.**

7 **DATED:** November 3, 2023.

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UNITED STATES MAGISTRATE JUDGE